

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
vs.)	No. 18-03057-CR-S-MDH
)	
KEYSHAUN JACKSON,)	
)	
Defendant.)	

MOTION TO CONTINUE SENTENCING HEARING

Comes now Defendant, James Jackson, by counsel, and moves this Court to continue his sentencing hearing from the scheduled date of March 7, 2019, for approximately one month in order for the parties to attempt to resolve the issue of whether or not Mr. Jackson is subject to the provisions of the Armed Career Criminal Act without the need for a lengthy hearing.

SUGGESTIONS IN SUPPORT

1. The Presentence Report (PSR) finds in ¶22 that Mr. Jackson's criminal history subjects him to the enhanced penalty of 18 U.S.C. § 924(e). Mr. Jackson has objected to this classification and enhancement, among other objections, because as to the prior conviction at issue, a juvenile conviction for Domestic Assault First Degree, Mr. Jackson asserts he did not have counsel.

2. If this objection is sustained by the Court then Mr. Jackson would not be subject to the enhanced penalty of 18 U.S.C. § 924(e).

3. Counsel for Mr. Jackson has conferred with Counsel for the Government, William Meiners, who agrees that a continuance of this matter will conserve judicial resources and allow time for the parties to attempt to resolve the matter informally. Additional research and investigation is necessary prior to a resolution.

4. Given the extreme difference in sentencing ranges depending on the resolution of this matter, a continuance is necessary to ensure due process and that his constitutional rights are protected.

WHEREFORE, Mr. Jackson requests that this Court continue his sentencing hearing from the scheduled date of March 7, 2019, for approximately one month in order for the parties to attempt to resolve the issue of whether or not Mr. Jackson is subject to the provisions of the Armed Career Criminal Act without the need for a lengthy hearing.

Respectfully submitted,

/s/ Ann M. Koszuth

ANN M. KOSZUTH, #47046

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Attorney for Defendant

March 6, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of March, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case, and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

/s/ Ann M. Koszuth

ANN M. KOSZUTH